

*Application No.*  
*Page 9*

*Amendment*  
*Attorney Docket No. S63.2-10062-US01*

**REMARKS**

*Claim Rejections 35 USC§112*

Claims 1-13, 15-27 and 29-34 have been rejected as indefinite. The Office Action asks what "melt mixture product" means. The rejection is traversed.

A "melt mixture product" is no more, or less, than the words say. It is what you get from a melt mixture of the recited components. As such, the melt mixture product becomes a material going forward from the first point of time the melt mixture exists. Because it is a "product," it does not still have to be a melt mixture at the time of the claim.

"Melt mixture" is a readily understandable term. As of the date of drafting this document, a search for the term "melt mixture" in the USPTO patents database hits on 1055 US patents from 1976 to the present. When the search is confined only to claim language, 177 US patent hits are found. All of these documents are presumptively valid under US law.

The recited components are starting materials for the melt mixture. Some, none, or all of the recited components of the melt mixture may have reacted to other compounds at the time of the melt mixture product.

In view of the foregoing withdrawal of the indefiniteness rejection is respectfully requested.

*Claim Rejections 35 USC§103*

Claims 1-13, 15-27, and 29-34 have been rejected under 35 USC §103(a) as obvious from Chen et al, US 5554120, taken in view of Loontjens et al, US 6,228,980. This rejection is also traversed.

The Office Action asserts that it would be obvious to use the Loontjens et al chain extended polyamide as the polyamide in the Chen et al compositions. As articulated, in this Action, it is understood that the Examiner is looking at the already extended polymer as the polyamide starting material in a Chen et al formulation.

**Application No.**  
**Page 10**

**Amendment**  
**Attorney Docket No. S63.2-10062-US01**

Chen et al's medical devices are formed from polymer compositions that do not include chain extenders as components of the composition.<sup>1</sup> To the extent that Chen et al might utilize an already chain extended polymer as a component, the present claims do not encompass such a device.

Without agreeing with the Examiner's assertion of obviousness, claims 1, 17 and 29 have been amended to clarify that the melt mixture in which the chain extender is employed is the polymer composition used to form the medical device. The chain extender thus is a component of the *same* melt mixture that is used to form the device composition. The melt mixture that is being referred to in the pending claims is not some earlier melt mixture product that is subsequently remelted and used as a component of a new composition. Thus, while the sequence of addition of the components to the melt mixture is not specified, those components specifically recited in the claims are components for the final melt. With this clarification the applicant is believed to have overcome the current rejection.

In view of the foregoing, withdrawal of the obviousness rejection is respectfully requested.

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<sup>1</sup> In correction of applicant's January 2004 response, at page 3, last full paragraph, it was just now observed that Chen et al's optional component C might be a component that is a reactive in the melt, see Chen et al col. 7, lines 4-5. However, this component is still not a chain extender or a suggestion to employ a chain extender. If reactive, it should be a crosslinker. Chen et al's success in producing extrusions, apparently without gelation, appears to indicate that very little, if any, reaction takes place in those melts that have a component C. These systems appear to be 2-phase with component C residing in the same phase as component B. Therefore reaction with component A would be confined to the phase interface. See Examples 1 and 2.

*Application No.*  
*Page 11*

*Amendment*  
*Attorney Docket No. S63.2-10062-US01*

**Conclusion**

The meaning of the term "melt mixture product" has been explained and the claims have been clarified to clearly distinguish the polymer compositions used to form the claimed medical device from general polymer products produced using chain extenders. On the basis of the amendments and remarks submitted herein, the application is believed to be in condition for allowance. Early and favorable action thereon is requested.

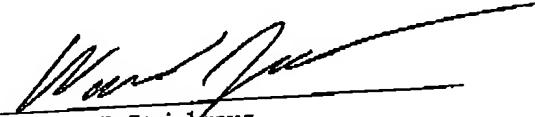
Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date:

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By:

  
Walter J. Steinkraus  
Registration No.: 29592

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001  
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